

Application No. 10/761,294
Response to Office Action of November 17, 2005

Attorney Docket No.: 1020/0134PUS1

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-18 are pending in the present application, with claims 1 and 17 being independent. Claim 18 has been added by this amendment, which does not add any new subject matter.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication on page 6 of the outstanding Office Action that claims 1-3 would be allowable. For at least the reasons detailed below, all pending claims should be considered allowed.

Election/Restrictions

Applicant acknowledges the Examiner's replacement of the previous Restriction/Election requirement, and elects hereby claims 1-16, with traverse. Claims 4-16 have been amended to depend from previously elected independent claim 1. Thus, Applicants respectfully request that the Examiner examine claims 4-16 on the merits.

Regarding independent claim 17 and new dependent claim 18, Applicant respectfully requests that the Examiner examine these claims on the merits. In the outstanding Office Action, the Examiner states that inventions III and I are unrelated because they are directed to different methods. Although Applicant does not agree with the Examiner's basis for restriction, in an effort to further the prosecution of the present application, claim 17 has been amended, such that both claims 1 and 17 are directed to a method for determining a temperature.

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Accordingly, in view of the above comments and amendments, Applicant respectfully requests that the Examiner withdraw the election/restriction requirement.

Claim Objections and Rejections

The Examiner objected to claims 1-3 and rejected claims 1-3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Applicant has amended the claims in an effort to clarify the claims. In addition, Applicant respectfully submits that these amendments have not been made to overcome any prior art and therefore, the amendments to the claims do not narrow the scope of the claims.

Accordingly, withdrawal of the rejection and objection is respectfully requested.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. 51,011) at telephone number (703) 621-7140, which is located in the Washington, DC area.

Application No. 10/761,294
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: May 17, 2006

Respectfully submitted,

By 

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